

IN RE: PETITIONS FOR SPECIAL HEARING) * BEFORE THE
 AND VARIANCE – SW/S Cliffvale Road, *
 229.08' N of Belair Road * DEPUTY ZONING COMMISSIONER
 (4141 Cliffvale Road) *
 11 3rd Election District * OF BALTIMORE COUNTY
 5 3rd Councilmanic District *
 * Case No. 99-114-SPHA
 Barrueto & Marana Partnership *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Barrueto and Marana Partnership, by Zenaida C. Marana, Partner, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek approval, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit pre-existing business parking on 0.040 acres of land, more or less, which is split-zoned D.R.3.5 and B.L.-A.S. In addition, the Petitioners request variance relief from Sections 1B01.1.B.1.c.(1) and (2) of the B.C.Z.R. as follows: 1) From Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.15 to permit a landscape buffer of not less than 10 feet in lieu of the required 50 feet; and, 2) from Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.II.A.16 to permit a Residential Transition Area (RTA) buffer of not less than 10 feet in lieu of the required 75 feet, for the existing parking lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Zenaida Marana and Rosa Burreto, members of the Burreto and Marana Partnership, owners of the subject property, David Martin, Professional Engineer with George W. Stephens, Jr. & Associates, the consulting firm which prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for

ORDER RECEIVED FOR FILING

Date

By

the Petitioners. Appearing as an interested citizen was Dennis Eckard, a nearby resident of the area, and representative of the Perry Hall Improvement Association.

It should be noted that at the onset of the hearing, the Petitioners modified the design of the parking area somewhat and are now able to provide a 20-foot wide landscaping strip to the rear of the property in lieu of the 10-foot wide buffer originally requested, thus, a landscape buffer of 20 feet in lieu of the required 50 feet is required. The 10-foot RTA buffer requested for the side of the property shall remain a part of the requested variance relief.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.40 acres, more or less, split zoned D.R.3.5 and B.L.-A.S., and is located to the rear of an existing medical office building at 9660 Belair Road. The subject property actually has a street address of 414 Cliffvale Road, but serves as a parking area for the medical office building that fronts on Belair Road. Testimony indicated that the Petitioners acquired the subject property some time ago and have been utilizing same for parking; however, the lot was not paved and parking was done in a haphazard fashion. The Petitioners are desirous of paving the subject lot and providing a more organized method of parking for patrons and tenants of their office building. The Petitioners have submitted as Petitioner's Exhibits 1 through 4, various site plans of the property showing the proposed parking layout and design, as well as landscaping. Further testimony indicated that the Petitioners have met with representatives of the Office of Planning who have assisted them in developing an appropriate design for the parking area.

As noted above, Mr. Dennis Eckard, a representative of the Perry Hall Improvement Association, as well as a resident of the area, appeared as an interested party. Mr. Eckard indicated that he supports the Petitioners' request and believes that the proposed improvements will benefit the surrounding community and provide a better parking situation than that which currently exists. Mr. Eckard supports the Petitioners' request so long as the parking lot improvements are not done to accommodate a future expansion of the medical office building on Belair Road.

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Date 11/30/88
By [Signature]

In response to Mr. Eckard's concerns, the Petitioners testified that no expansion of the existing office building is planned and that the proposed improvements are being made to accommodate existing patrons and tenants of the building.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

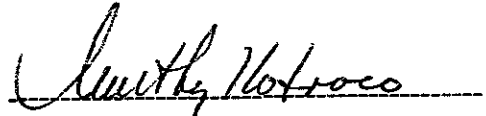
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1998 that the Petition for Special Hearing to approve pre-existing business parking on 0.040 acres of land, more or less, which is split-zoned D.R.3.5 and B.L.-A.S., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Residential Transition Area requirements set forth in Sections 1B01.1.B.1.c.(1) and (2) of the B.C.Z.R. as follows: 1) From Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.15 to permit a buffer of not less than 20 feet (as modified herein) in lieu of the required 50 feet; and, 2) from Section 1B01.1.B.1.e(5) and C.M.D.P. Section 504.IIA.16 to permit a buffer of not less than 10 feet in lieu of the required 75 feet, for the existing parking lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any use permit, the Petitioners shall submit a landscape plan for review and approval by the Office of Planning.
- 3) There shall be no expansion of the existing medical office building a 9660 Belair Road without a public hearing to determine the appropriateness of such expansion and its impact on the subject parking lot
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order .


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/30/98
By [Signature]
TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 27, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Cliffvale Road, 229.08' N of Belair road
(4141 Cliffvale Road)
5th Election District - 3rd Councilmanic District
Barrueto & Marana Partnership - Petitioners
Case No. 99-114-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over the typed name.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Zenaida C. Marana, Barrueto & Marana Partnership
7600 Osler Drive, Suite 200, Towson, Md. 21204

Mr. Dennis Eckard
39 Bangert Avenue, Perry Hall, Md. 21128

People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4141 Cliffvale Road

which is presently zoned DR 3.5 & BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHMENT 1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Ave. 410-321-0600

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Barrueto & Marana Partnership

(Type or Print Name)

Signature

ZENAIDA C. MARANA, Partner

(Type or Print Name)

Signature

7600 Osler Drive, Ste. 200 410-321-8286

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire

Name Ste. 113

305 W. Chesapeake Ave.

410-321-0600

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JD

DATE 9-15-98

ORDER RECEIVED FOR FILING

Date 11/30/98

99-114-SPHA



114

Attachment 1

PETITION FOR SPECIAL HEARING

Address: 4141 Cliffvale Road
Legal Owner: Barrueto and Marana Partnership
Contract Purchaser: N/A
Present Zoning: D.R. 3.5 & BL-AS

REQUESTED RELIEF:

Approval, pursuant to BCZR § 409.8.B, to permit pre-existing business parking on 0.040 acres of land, more or less, which is split-zoned D.R. 3.5 and BL-AS.

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderma@counsel.com

ORDER RECEIVED FOR FILING
Date 11/30/98
By [Signature]

114



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4141 Cliffvale Road

which is presently zoned DR 3.5 & BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHMENT 1

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT 1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr., Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Ave. 410-321-0600

Address Ste. 113 Phone No.

Towson, MD 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Barrueto & Marana Partnership

(Type or Print Name)

Signature

Zenaida C. Marana, Partner

(Type or Print Name)

Signature

7600 Osler Drive, Ste. 200 410-321-8286

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Name, Address and phone number or representative to be contacted

Howard L. Alderman, Jr., Esquire

Name 305 West Chesapeake Avenue

Suite 113

410-321-0600

Address Towson, MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JJA

DATE 9-15-98

ORDER RECEIVED FOR FILING

Date

BY



Printed with Soybean Ink
on Recycled Paper

99-114-SPHA

Zoning Administration

Development Management

114

Attachment 1

PETITION FOR VARIANCE

Address: 4141 Cliffvale Road
Legal Owner: Barrueto and Marana Partnership
Contract Purchaser: N/A
Present Zoning: D.R. 3.5 & BL-AS

VARIANCE RELIEF REQUESTED:

Pursuant to BCZR §§ 1B01.1.B.1.c(1) and 1B01.1.B.1.c(2) for existing parking lot, a variance of the Residential Transition Area ("RTA") requirements, specifically:

- from BCZR § 1.B01.1.B.e.(5) and CMDP 504.IIA.15 to permit a buffer of not less than ten feet (10') in lieu of the fifty foot (50') buffer required; and
- from BCZR § 1.B01.1.B.e.(5) and CMDP II.A.16 to permit a setback of not less than ten feet (10') in lieu of the seventy-five foot (75') setback requirements contained within BCZR § 1.B01.1.B.1.e.(5)

JUSTIFICATION:

1. Split-zoning of the subject property;
2. Pre-existing use and configuration of lot; and
3. For such further reasons as will be presented at the time of the hearing on this Petition.

ORDER RECEIVED FOR FILING

Date

By

114

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderma@counsel.com

Zoning Description
July 9, 1998

Description to accompany a Special Exception and Variance Request

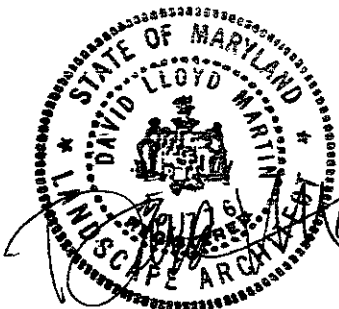
4141 Cliffvale Road,
Baltimore County, Maryland
Election District 5, Councilmanic District 3
Tax Map 63 – Parcel 417, Lots 4 & 5

Beginning at a point located at the centerline intersections of Belair Road (U.S. Route 1), 70 feet wide, and Cliffvale Road, 40 feet wide at the said intersection, thence N 53 degrees 26 minutes 05 seconds W, 229.08 feet to a Point of Beginning at the zoning line and property intersection, thence the following courses:

S 40 degrees 52 minutes 06 seconds W, 171.17 feet, thence N 41 degrees 16 minutes W, 58.14 feet, thence N 48 degrees 48 minutes E, 171.65 feet, thence S 41 degrees 12 minutes E, 56.55 feet, back to the point of beginning.

Containing 0.22 acres (9,828.71) square feet of land more or less.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



114
99-114-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 114

054719

DATE 9-15-98 ACCOUNT R-001-6150

AMOUNT \$ 500.00

RECEIVED FROM: Barrveto & Marano Partnership

FOR: Special Hearing & Variance filing fee
#4141 Cliff Dale Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED	ACTUAL	TIME
9/15/1998	9/15/1998	11:09:57
RIG 0502	CASHIER JRIC JHR	DRAMER
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	063748	071
CP NO.	054719	

500.00 CHECK
Baltimore County, Maryland

99-114-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/15, 1998.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-114-SPHA
4141 Cliffvale Road
SWC Belair Road and
Cliffvale Road
5th Election District
3rd Councilmanic District
Legal Owner(s):
Barrueto & Marana
Partnership

Special Hearing: to permit pre-existing business parking on .040 acres of land, more or less, which is split-zoned D.R.-3.5 and B.L.-A.S. Variance: to permit a buffer of not less than 10 feet in lieu of the 50-foot buffer required; and to permit a setback of not less than 10 feet in lieu of the 75-foot setback requirements.

Hearing: Friday, October 30, 1998 at 2:00 p.m., in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/24/98 Oct. 15 c266147

CERTIFICATE OF POSTING

RE. Case No 99-114 SPHA

Petitioner/Developer G.W. STEPHENS, ETAL

% DAVID MARTIN

Date of Hearing/Closing: 10/30/98

@ 2 PM

RN-106

COB

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

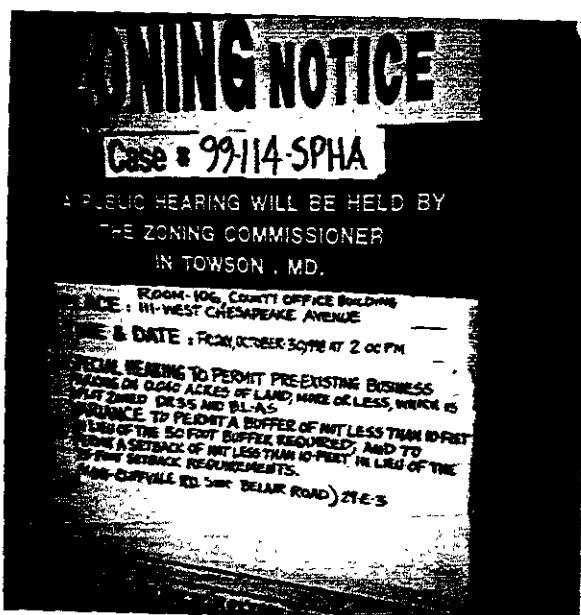
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #4141 CLIFFVALE RD.
C BELAIR RD.

The sign(s) were posted on

10/9/98

(Month, Day, Year)



Sincerely,

Patrick M O'Keefe 10/12/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

4141 Cliffvale Rd.

99-114 SPHA

10/30/98

10/09/98

10/11/98

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
4141 Cliffvale Road, SWC Belair Rd and
Cliffvale Rd, 5th Election District,
3rd Councilmanic

Legal Owners: Barrueto and Marana Partnership

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-114-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 30, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-114-SPHA
4141 Cliffvale Road
SWC Belair Road and Cliffvale Road
5th Election District - 3rd Councilmanic District
Legal Owner: Barrueto & Marana Partnership

Special Hearing to permit pre-existing business parking on .040 acres of land, more or less, which is split-zoned D.R.-3.5 and B.L.-A.S. Variance to permit a buffer of not less than 10 feet in lieu of the 50-foot buffer required; and to permit a setback of not less than 10 feet in lieu of the 75-foot setback requirements.

HEARING: Friday, October 30, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Howard L. Alderman, Jr., Esquire
Barrueto & Marana Partnership

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 15, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
October 15, 1998 Issue - Jeffersonian

Please forward billing to:

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

410-321-0600

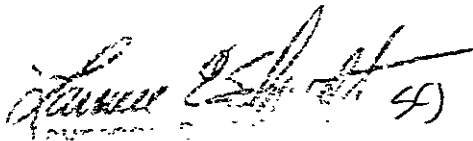
NOTICE OF ZONING HEARING

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CASE NUMBER: 99-114-SPHA
4141 Cliffvale Road
SWC Belair Road and Cliffvale Road
5th Election District - 3rd Councilmanic District
Legal Owner: Barrueto & Marana Partnership

Special Hearing to permit pre-existing business parking on .040 acres of land, more or less, which is split-zoned D.R.-3.5 and B.L.-A.S. Variance to permit a buffer of not less than 10 feet in lieu of the 50-foot buffer required; and to permit a setback of not less than 10 feet in lieu of the 75-foot setback requirements.

HEARING: Friday, October 30, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-114-SRNA

Petitioner: Barrueto & Marana Partnership

Address or Location: 4141 Cliffvale Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Howard L. Alderman, Jr., Esquire

Address: 305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204

Telephone Number: 410-321-0600

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-114-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A special Hearing
To allow pre existing parking on a lot zoned
commercial and residential ^{Variances} and to allow a buffer
of not less than 10 ft. in lieu of minimum required 50 ft and
to allow a setback of not less than 10 ft. in lieu of the mini-
um required 75 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

INTEROFFICE CORRESPONDENCE

Date: October 5, 1998

SUBJECT: Zoning Advisory Committee Meeting
for October 5, 1998
Item No. 114

The proposed entrance to the parking lot is to be built per the Department of Public Works' Standard Plate R-32 - Single Commercial Entrance.

cc: File

ZAC1005.114

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *RBS/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/23/98

DATE: 9/23/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

114

115

117

118

119

99-93-SPA

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.25.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 114 JJS

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Jim
10/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 28, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 4141 Cliffvale Road

INFORMATION:

Item Number: 114

Petitioner: Barrueto & Marana Partnership

Zoning: DR 3.5 & BL-AS

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the requested variance to permit a buffer of not less than ten feet in lieu of the fifty-foot buffer requirement. In addition, we do not support the request to permit a setback of not less than ten feet in lieu of the required seventy-five feet. Nor does the office approve of the requested special hearing "to permit pre-existing business parking on 0.040 acres, more or less, which is split zoned DR 3.5 and BL-AS."

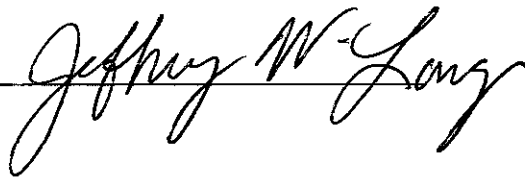
The petitioner indicates (as justification for the granting of the request) that the subject property is split-zoned and that the parking lot is a pre-existing use. The staff believes it is important to point out that the 1986 aerial (see attached copies of the 1986 and 1997 aerials which are attached for information and illustrative purposes) would, in fact, show all parking for the site within the confines of the commercially zoned area. The 1986 aerial also reveals a residential structure on the site in question (4141 Cliffvale Road). That property (part of the subject property) was sold to Rosa Barrueto in 1993, and a permit to raze a residential structure was issued in 1994 (see permit # 204374). It seems clear that the site became split-zoned when the petitioner purchased the residential portion of the site, and that any hardship is essentially self-created.

The residential transition area serves to protect residential communities from encroaching commercial uses. The enclosed photomontage shows the view from the residential structure (4139 Cliffvale Road) onto the parking lot. It demonstrates that a parking lot is not compatible with the residential character of the adjoining community. In addition, the continued use of parking lot will have a negative impact on the property located immediately adjacent to the site.

Finally, the subject case is similar to a recent request to permit parking for a Class B group child care center at 9610 Belair Road (see Case No. 98-282 SPHXA). The expansion of parking into the adjacent DR 5.5 zone was not permitted in that case. Elsewhere in the County, other requests have also been denied. Cases involving the Michael's Café at (2119 York Road) and Len Stoler, Incorporated (11275 Reisterstown Road) brought to light issues related to community conservation and commercial intrusion into established residential communities.

In addition to recommending denial of the applicant's request, the Office of Planning suggests that the Zoning Commissioner require the applicant to 1) restore the DR 3.5 portion of the property to its former condition, and 2) provide adequate screening adjacent to 4139 Cliffvale Road.

Section Chief:



AFK/JL:

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

DENNIS ECKARD

39 BANGERT AVE PERRYMALE 2/12/8

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ZENAIDA MARANA
ROSA BARRUETO

DAVID MARTIN

13073 Jerome Jay Dr.
Hunt Valley, MD 21030

815 KATESFORD RD. 21030
G.W. STEPHENS - 658 KENILWORTH
TOWNSHIP 21204 -



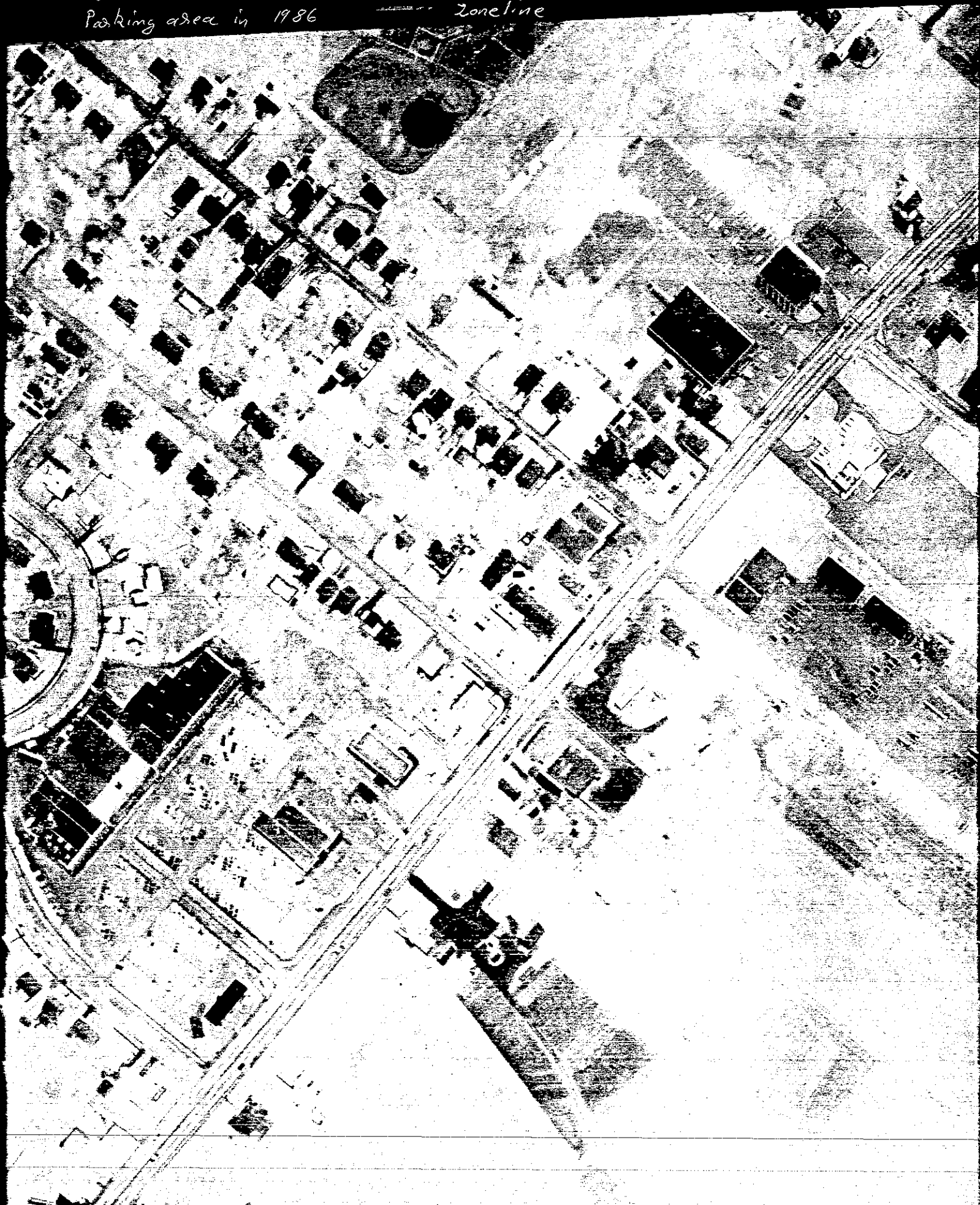
1986 Aerial

Office Building

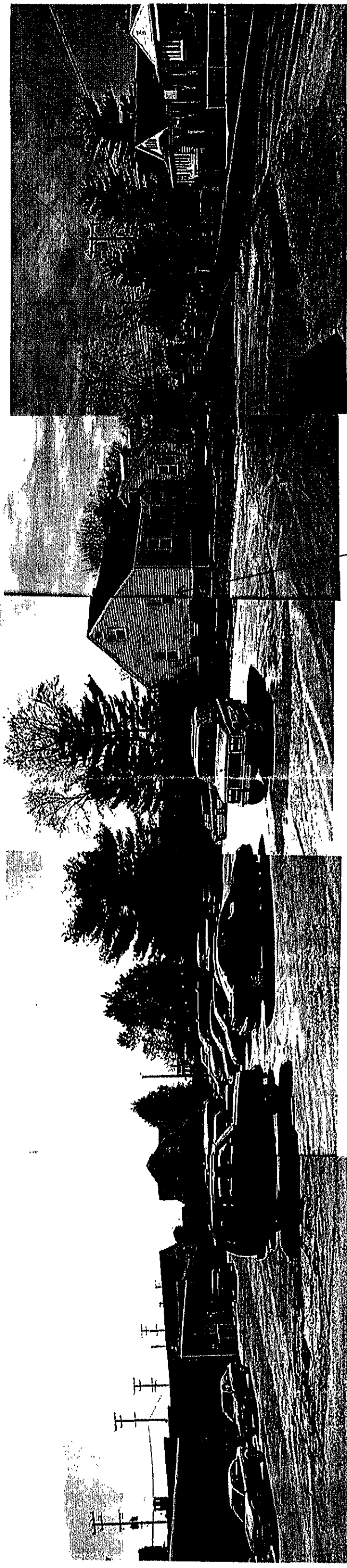
Parking area in 1986

Cemetery

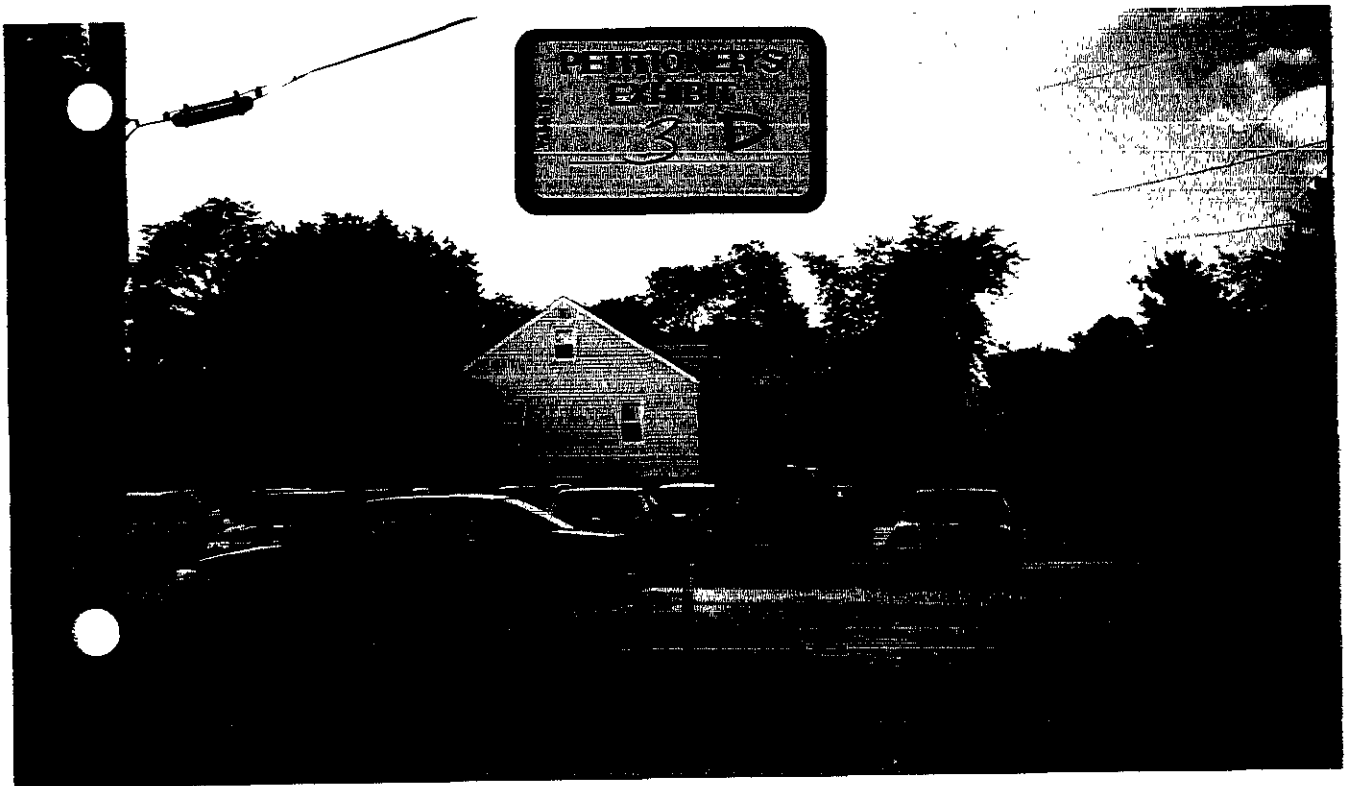
zone line



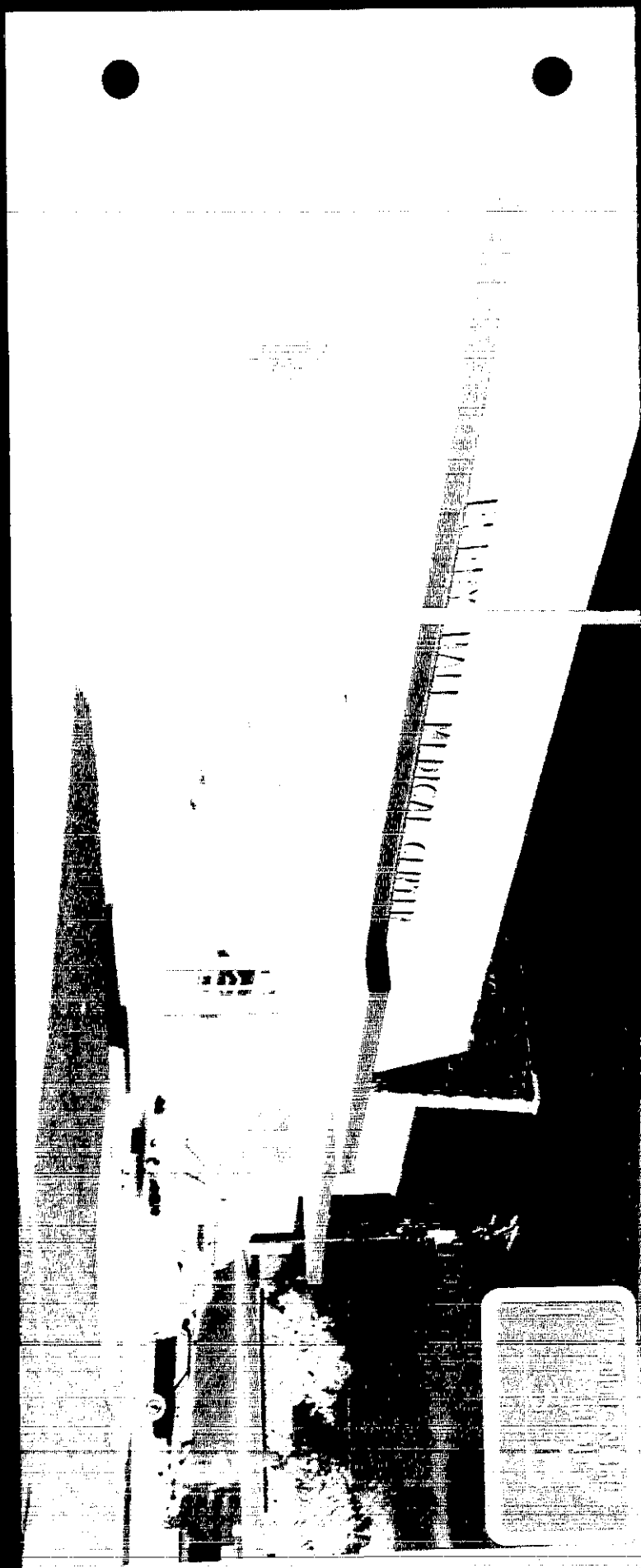




4139 Cliffvale Rd







PATIENT INFORMATION	
NAME	
DATE OF BIRTH	
SEX	
ADDRESS	
CITY	
STATE	
ZIP	
PHONE	
RELATIONSHIP	
DATE OF ADMISSION	
DATE OF DISCHARGE	
ADMITTING PHYSICIAN	
DISCHARGING PHYSICIAN	
ADMITTING NURSE	
DISCHARGING NURSE	
ADMITTING CLERK	
DISCHARGING CLERK	



PATIENT INFORMATION	
NAME	
DATE OF BIRTH	
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ADDRESS	
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DISCHARGING NURSE	
ADMITTING CLERK	
DISCHARGING CLERK	

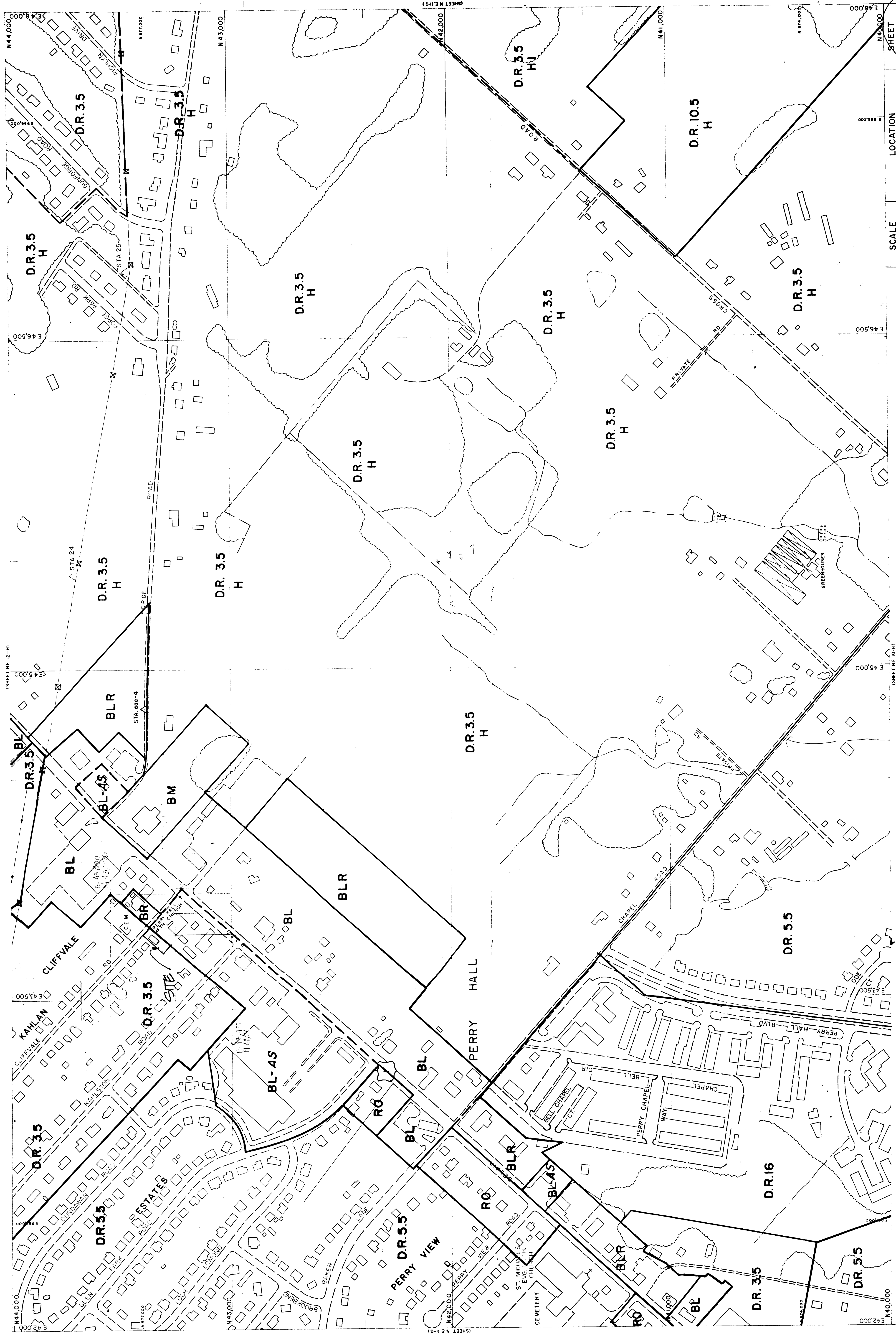
0996











BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	PERRY HALL VICINITY	NE.
DATE OF PHOTOGRAPHY		11-H
JANUARY 1966		

Q - SW Q - SE
M - NW M - NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

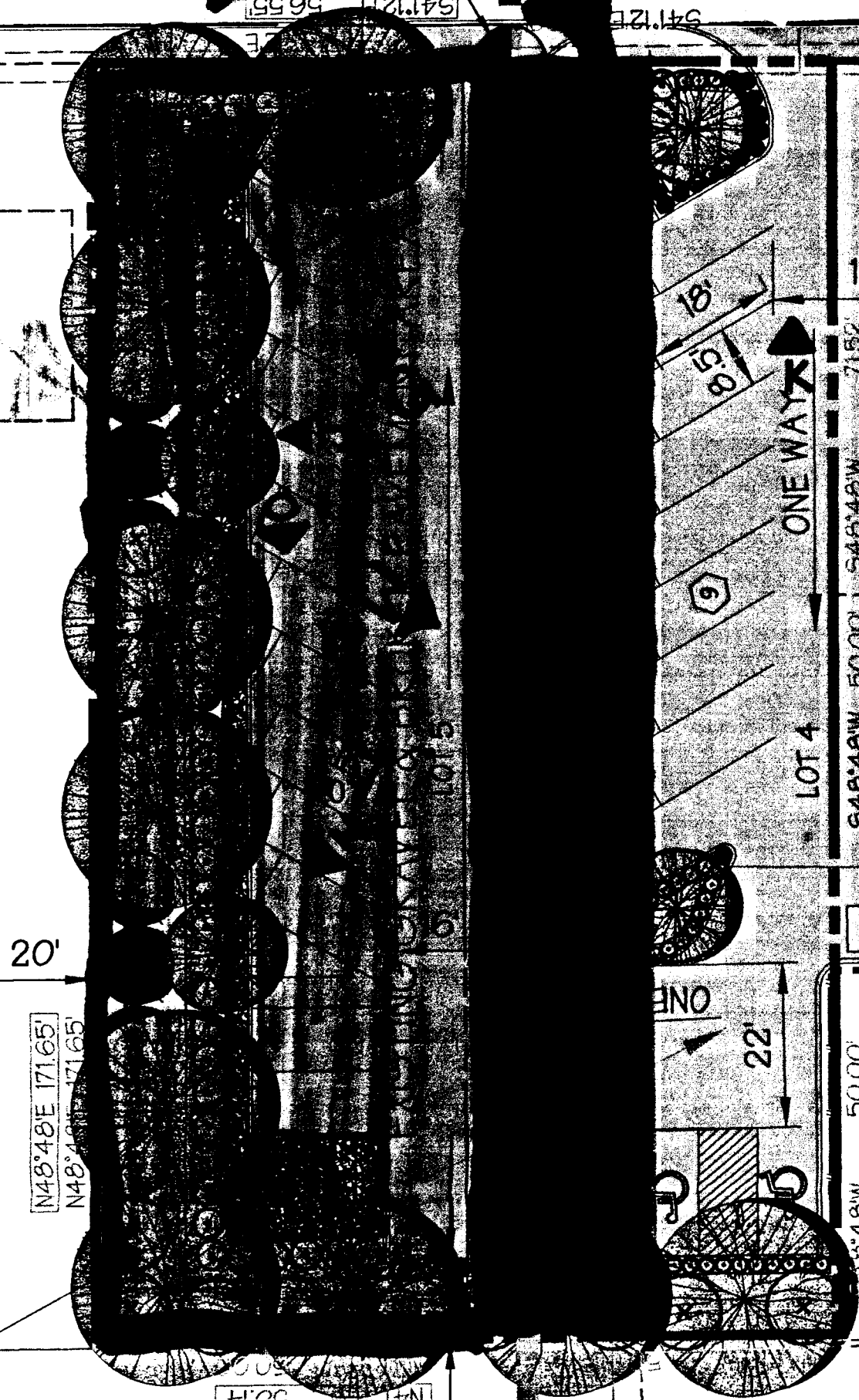
99-114-SPHA

105

PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE X SPECIAL HEARING
PROPERTY ADDRESS: 4141 CLIFFVALE ROAD
SUBDIVISION NAME: CLIFFVALE
PLAT BOOK: NO.8, FOLIO 49
OWNER: ROSA BARRUETO & ZENaida MARANA

BOARD ON BOARD
SCREEN FENCE
MARIE F. SMITH
4128 KATHLEEN ST.
BALTIMORE, MD 21236
KATHLEEN SUBDIVISION
11-11000025
P. 335, LOT 2

SEYED HOSSEIN & MARION E. HAJMIRGADEGHI
4139 CLIFFVALE AVE.
BALTIMORE, MD 21236
CLIFFVALE SUBDIVISION
11-11000025
P. 417, LOT 6



9654 BELAIR ROAD, INC.
4344 CHAPEL ROAD
P.O. BOX 100
PERRY, IN 46167
KATHLEEN SUBDIVISION
11-11000025
P. 335, LOT 1

FRANK V. & DOLORES C.
8000
2909 KATHLEEN DR.
KINGSDALE, MD 21087
CLIFFVALE SUBDIVISION
11-11000025
P. 417, LOT 1

1-STORY
FRAME BLDG.
9656
BELAIR RD.

9660 BELAIR RD.

LOT 2 LOT 3

DUMPSTER
LOCATION

POINT OF BEGINNING
PERRY HALL UNITED METHODIST CEMETERY

75' RTA

CLIFFVALE ROAD - 40' R/W

BELAIR ROAD - US ROUTE 1 - 70' R/W

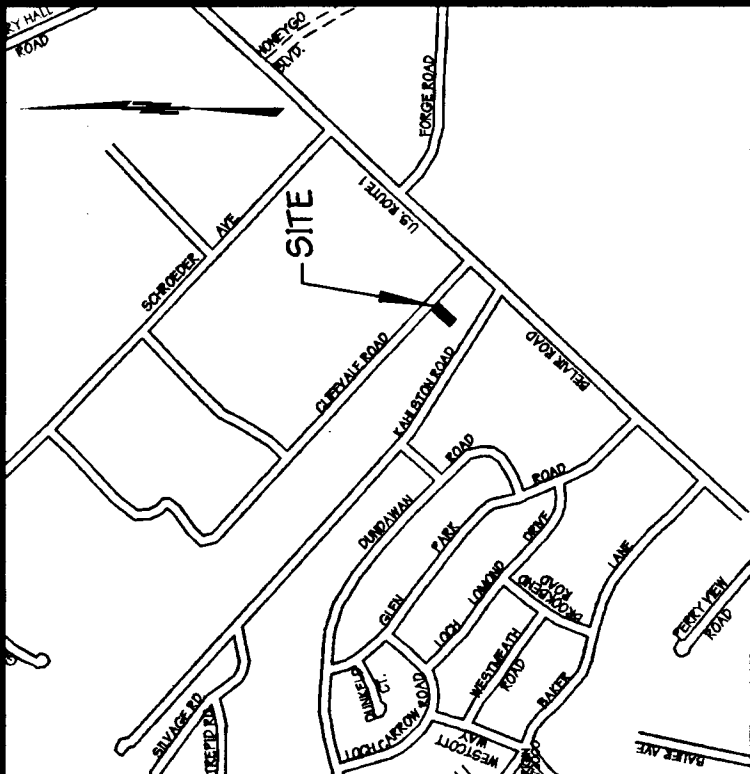
PREPARED BY:

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

REVISED: OCTOBER 27, 1998
DATE: JULY 9, 1998

SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

ZONING RELIEF REQUESTS:
SPECIAL HEARING
409.8B - SPECIAL HEARING FOR USE FOR OFFICE
PARKING IN A RESIDENTIAL ZONE.

VARIANCE REQUEST
1B01.1B.7.C.2
SECTION 504.1A.15 AND 1A.16 OF CM&D.P.
TO REDUCE THE REQUIRED 75' R.T.A. SETBACK TO
AS LITTLE AS 10' AND TO REDUCE THE REQUIRED
50' BUFFER TO AS LITTLE AS 10'.

LOCATION INFORMATION

COUNCILMANIC DISTRICT 3RD 5-4
ELECTION DISTRICT 5TH 11-14
1" = 200' SCALE MAP # NE 11-H
LOT SIZE: LOT 4 - 0.550 S.F., 0.20 AC.
LOT 5 - 0.550 S.F., 0.20 AC.

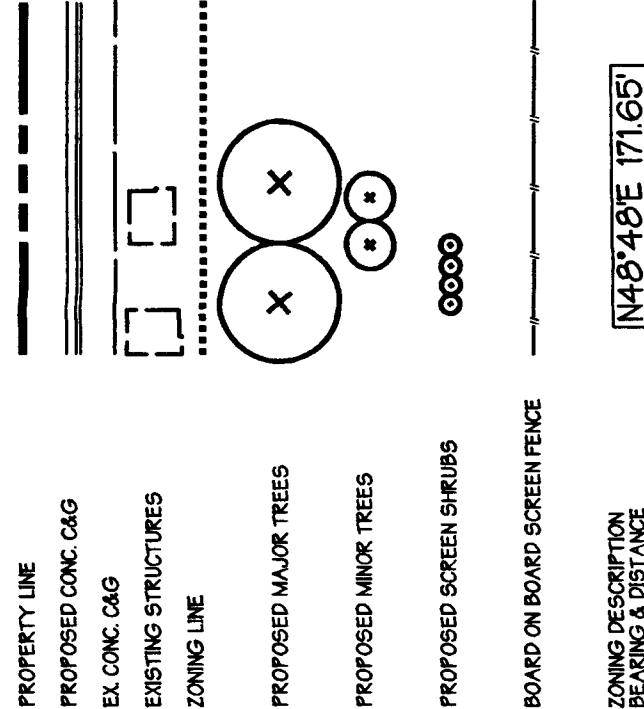
ZONING OFFICE USE ONLY

REVIEWED BY: ITEM # CASE NO.



LAND USE TABULATIONS
PROJECT AREA (LOTS 4 & 5): 17,100 S.F. ± OR 0.40 AC. ±
PROPOSED PAVED AREA: 11,060 ± S.F.
PROPOSED LANDSCAPED AREAS: 3833 ± S.F.
INTERIOR PARKING LOT AREA: 12,713 ± S.F.
7% LANDSCAPED AREA REQUIRED: 890 S.F.
PROVIDED: 1,269 S.F. (9%)

LEGEND

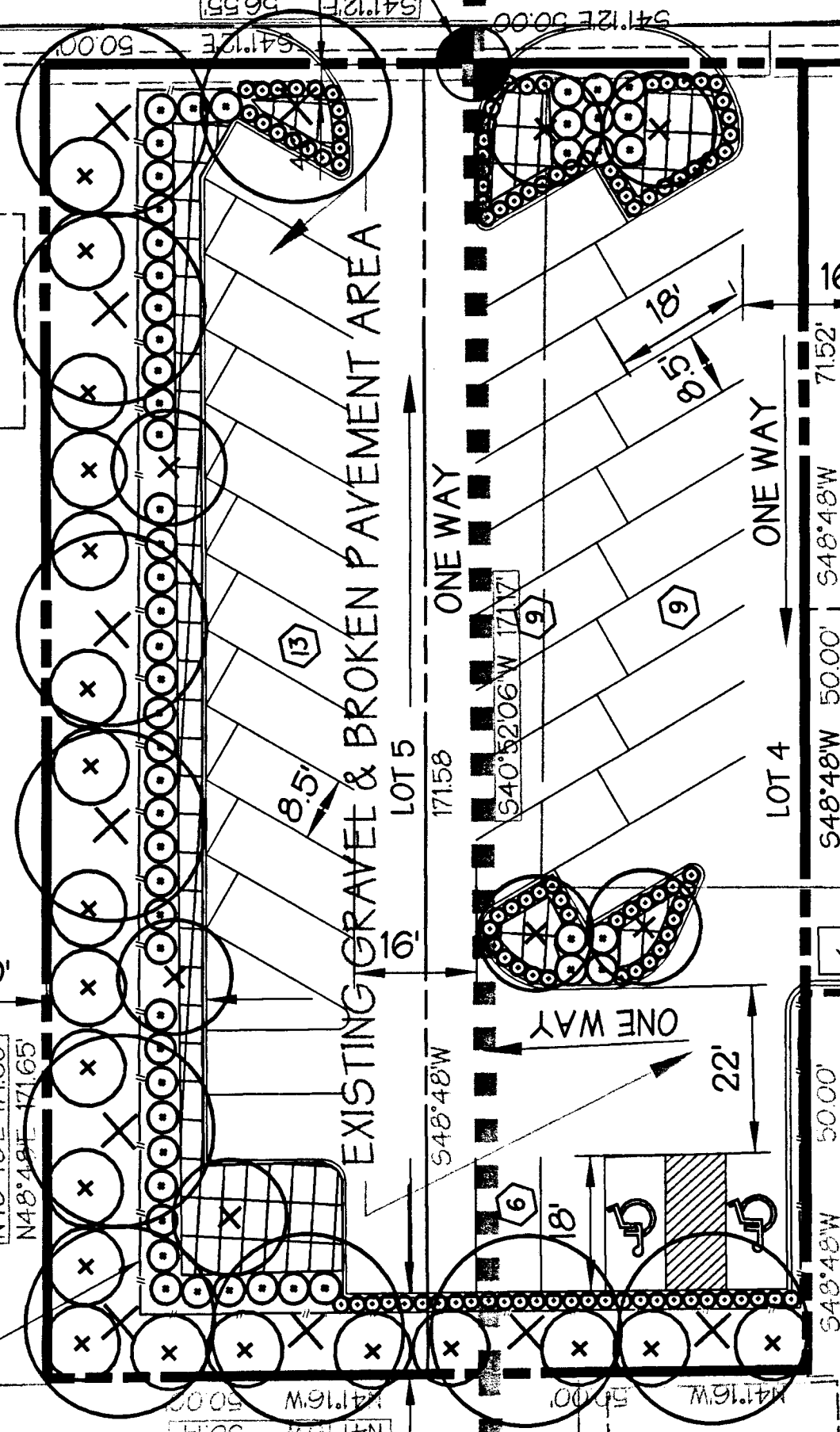


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PROPERTY ADDRESS: 4141 CLIFFVALE ROAD
SUBDIVISION NAME: CLIFFVALE
PLAT BOOK: NO.8, FOLIO 49
OWNER: ROSA BARRUETO & ZENaida MARANA

BOARD ON BOARD
SCREEN FENCE

MARIE F. SMITH
4128 KAHLSTON ST.
BALTIMORE, MD. 21236
CLIFFVALE SUBDIVISION
11-1102007900
P. 335, LOT 2

SEYED HOSSEIN & MARION E. HAJMIRSADEGHI
4139 CLIFFVALE AVE.
BALTIMORE, MD. 21236
CLIFFVALE SUBDIVISION
11-1102007900
P. 417, LOT 6



CLIFFVALE ROAD - 40' R/W

9660 BELAIR RD.

9654 BELAIR ROAD, INC.
4344 CHAPEL ROAD
C/O J. WM. RUPPERT
PERRYMAN, MD. 21228
KATL AND SUBDIVISION
11-1102001025
P. 335, LOT 1

FRANK Y. & DOLORES C.
ROCCO ON DS
2902 BRECHIN RD.
KATL AND SUBDIVISION
CLIFFVALE SUBDIVISION
9160199
11-117001662
P. 417, LOT 1

1 STORY
FRAME BLDG.
9656
BELAIR RD.

9654 BELAIR RD.
PERRYMAN
PUB.

BERNARD W. & AUDREY M. SHANNANAN
8707 LITTLEWOOD RD
BALTIMORE, MD. 21234
105721726
11-115071720
P. 516

4442 CLIFFVALE RD.
1 STORY DWELLING

EDWARD A. FOLTZ
5967 BELAIR RD.
BALTIMORE, MD. 21236
59671930
11-1120067240
P. 325

FOLTZ
AUTOMOTIVE

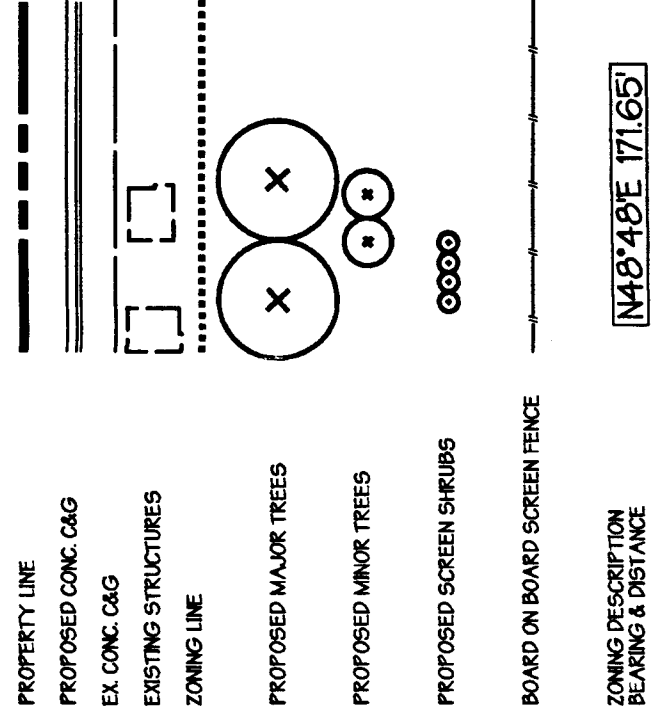
4139 CLIFFVALE RD.
1 STORY DWELLING

POINT OF BEGINNING
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BELAIR ROAD - US ROUTE 1 - 70' R/W

LEGEND



PREPARED BY:

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
656 KENILWORTH DRIVE, SUITE 100
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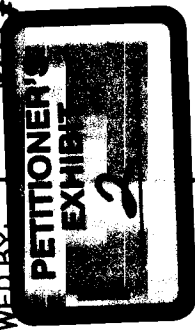


REVISED: OCTOBER 30, 1998
DATE: JULY 9, 1998

SCALE OF DRAWING: 1" = 20'

144840E 171651

ZONING OFFICE USE ONLY
CASE NO.



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SPECIAL HEARING
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1B01.1.B.7.C.2

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